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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 January 2000]

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Angola

1. Angola returned to all-out war in December 1998, the fourth period of open warfare in living memory. The United Nations estimates that over 2 million people have become internally displaced because of the renewed conflict, 10 per cent of Angola's population. The return to war also represented the end of the uneasy peace process that began with the Lusaka Protocol in Zambia in November 1994.

2. In 1999, both the Government and the rebels, the National Union for the Total Independence of Angola (UNITA) were responsible for appalling levels of death and destruction. Mine warfare intensified and mines were used by both sides. UNITA maintains tight control of the population through arbitrary killings, threats, forced conscription, and the demand of sexual services. The Government cracked down on UNITA supporters after the resumption of all-out war, including by attacking nascent civil society in Luanda and harassing the independent media.

3. The Lusaka peace process was overseen by two United Nations peacekeeping missions, the United Nations Verification Mission (UNAVEM) III and its successor the United Nations Observer Mission in Angola (MONUA), at a total cost to the international community of US$ 1.5 billion. MONUA's mandate finally expired on 26 February 1999. After months of delay, the Security Council on 15 October 1999 approved the establishment of the United Nations Office in Angola (UNOA) for an initial period of six months. UNOA consists of up to 30 Professional staff, including a Human Rights Division. UNOA's mandate includes capacity-building, human rights promotion and humanitarian assistance, although it does not have an investigative component. Unfortunately, the Human Rights Division remains mostly symbolic with recruitment of new staff frozen.

4. The record of human rights monitoring and reporting of the United Nations in Angola has been poor, with the peacekeepers often turning a blind eye to reports of rights abuses. The record improved little despite the creation of a dedicated Human Rights Division with over 20 staff to monitor the abuses as part of UNAVEM III. When solid information on abuses by the Government and UNITA was available, the United Nations continued to observe passively and to suppress any public reporting of the findings. In late May 1998, with the peace process collapsing, the then Special Representative of the Secretary-General, Blondin Beye, finally approved a change of strategy by calling on the United Nations to carry out its investigations more expeditiously. When a new director arrived in early May, he began revamping the Division and some investigative work commenced. Whole new programmes of work were created and the work of the Division was redirected.

5. The deteriorating peace process in 1998 resulted in the evacuation of much of the United Nations personnel from the interior and a complete pull-back to Luanda by early 1999. The revamped Human Rights Division had only six months to show what it could achieve, and this in an increasingly difficult context. During 1999, the Human Rights Division was unable to play the role it envisaged; it could perform little serious investigative work on rights abuses and it produced no publication. In addition, the Government of Angola sought to limit the Division to institutional capacity-building, instead of documenting human rights abuses.

6. The incorporation of a Human Rights Division in the United Nations operation in Angola was a step in the right direction. Given the critical need for investigation of the numerous reports of human rights violations by both sides to the conflict, the Commission on Human Rights should take steps to ensure that the Human Rights Division is mandated to investigate and document human rights abuses by both sides and to publish the results of this work, and that the Division is provided with adequate resources and support - political, human and material - to perform that function.

Rwanda

7. Since the 1994 genocide, the United Nations has maintained a human rights presence in Rwanda, helping to deal with the complex human rights issues resulting from the catastrophic campaign to eliminate the Tutsi minority. A Special Rapporteur and the United Nations Human Rights Field Operation in Rwanda contributed to re-establishing the judicial system necessary to prosecute persons accused of genocide while also monitoring abuses by the former forces of genocide and by the current Government. Monitors of the Field Operation provided an important service in documenting attacks on civilians by both insurgents and Rwandan Government forces in north-western Rwanda in 1996, 1997 and 1998, before this work was halted at the insistence of the Government.

8. The Special Representative who succeeded the Special Rapporteur has supplied important assistance to the National Human Rights Commission of Rwanda, which began operation in 1999. Although his role is focused on technical support, he has also provided important assessments of the current human rights situation to the General Assembly.

9. During the next year, the Government of Rwanda plans to initiate a form of popular justice, referred to as *gacaca*, for more than 100,000 persons accused of genocide and detained in prisons and communal lock-ups. As proposed, this system does not guarantee the right to legal counsel for the accused and does not guarantee that petitioners will be heard by a panel of judges. Given that thousands of courts will be established and that the power to judge extremely serious charges (with penalties of up to life in prison) will be placed in the hands of persons with minimal training, it is probable that grave violations of the rights of the victims or the accused will occur. The Commission should therefore establish a system for monitoring these trials.

10. In the second half of 1999, the Government of Rwanda appeared to have put down the insurgency in the north-west, but the presence of rebels was reported once again at the end of the year. A rebel group attacked a displaced persons camp on 24 December, killing 29 persons and wounding some 40 others. Should military activity resume in the north-west, monitoring by a representative of the Commission would be helpful in deterring abuses and ensuring that any person guilty of abuses will be brought to justice.

11. The Government has also declared that all citizens must henceforth live in villages. Many have been ordered to destroy their homes and move to Government-designated sites where there are no houses or other services, many have been forced to cede part of their landholdings to others. Given that the Government has announced its intention to move ahead rapidly in enforcing this "villagization" programme, there is a serious risk that the rights of ordinary citizens may be violated.

12. The recently established National Human Rights Commission has already registered a large number of cases to investigate. The commissioners, who received their first formal training in human rights in 1999, are only beginning to organize their staff. It will not be possible for the National Commission to deal with the cases already submitted and at the same time follow the *gacaca* trials, the process of villagization, and possible abuses in the north-west. In this early phase of work by the National Commission the Commission on Human Rights should provide assistance by broadening the responsibilities of the Special Representative to include monitoring the current human rights situation in Rwanda. It should provide adequate resources for the Special Representative to carry out this added charge in a responsible manner.

Burundi

13. In the second half of 1999, the civil war in Burundi entered a more critical phase. Although negotiations continue for ending the conflict, insurgents launched a series of attacks on the capital. National authorities responded by forcing more than 300,000 persons to leave their homes for regroupment camps, where difficulties in obtaining food, clean water and medical aid put a considerable number of camp residents at risk of disease and death.

14. The Government also adopted an important reform of judicial procedures intended to limit arbitrary and illegal detentions and to end the practice of torture. Implementing this reform poses an enormous challenge to the judicial system, which needs as much international support as possible.

15. Just as the needs for human rights assistance in monitoring the camps and in assisting the judicial system grew, the staff of the office of the High Commissioner for Human Rights was cut. The number of human rights monitors was reduced from 11 to 3. The budget projected for the coming year is about half of what was provided for the last year. The budget for full activity should be restored and a highly competent professional staff should be recruited immediately to expand and intensify the monitoring and judicial assistance activities of the Burundi office.

16. In the past, the office produced reports which were submitted for discussion to a liaison committee that included government officials. The agreed-upon version of the reports, which are supposedly public documents, have limited circulation, both in Burundi and outside. With an expanded staff, the office should undertake to publish reports more regularly and to ensure their wide distribution within Burundi, where they can both influence government policy and encourage local defenders of human rights.